

BEFORE THE BOARD OF MEDICAL EXAMINERS OF THE STATE OF IOWA

IN THE MATTER OF THE APPLICATION FOR LICENSURE OF

RANDALL LEE BYNUM, M.D., APPLICANT

**ISSUANCE OF LICENSE BY
CONSENT AGREEMENT**

COMES NOW the Iowa Board of Medical Examiners (the Board), and Randall Lee Bynum, M.D. (the Applicant), and enter into the following Consent Agreement. The Board shall issue the Applicant a permanent license to practice medicine and surgery in Iowa under the following terms, which have been imposed with the Applicant's consent.

1. Applicant is hereby granted a license to practice medicine in the State of Iowa subject to the Applicant's agreement to be bound by the terms set forth in this Consent Agreement.
2. Immediately upon the Board's approval of this Consent Agreement, Applicant's Iowa medical license shall be placed on probation for a period of five (5) years under the terms herein.
3. Applicant agreed to terms of disciplinary action regarding his license to practice medicine in the State of Colorado related to substance abuse in which on May 14, 1997, Colorado State Board of Medical Examiners completed a Stipulation and Final Agency Order and on December 11, 1997, a Second Stipulation and Final Agency Order was entered resulting in the surrender of Dr. Bynum's Colorado medical license.

4. Applicant shall, within fourteen (14) days of the date of this order, contact Deb Anglin, Coordinator, Monitoring Programs, Iowa Board of Medical Examiners, 400 SW 8th Street, Suite C, Des Moines, IA 50309-4686, phone number 515-281-6491 to set up an intake appointment. Applicant shall comply with all requirements of the monitoring program.
5. Applicant shall not consume alcohol.
6. Applicant shall not use any controlled or prescription drug in any form unless the controlled or prescription drug has been prescribed for Applicant's use by another duly licensed treating physician or other qualified treating health care provider. Applicant shall provide the Board, written within fourteen (14) days of the use of any controlled or prescription drug. Applicant shall inform any treating physician or other treating health care provider of his history of substance abuse prior to receiving any prescription drug.
7. Applicant shall submit to the Board's drug screening program to provide random blood or urine specimens. Applicant agrees to comply with all requirements of the drug-screening program. Applicant shall also provide random blood or urine specimens on demand by an agent of the Board. The specimens shall be used for drug and alcohol screening, all costs of which shall be paid by the Applicant.
8. Applicant shall, within thirty (30) days of the date of the Board's approval of this Consent Agreement, submit to the Board the name and curriculum vitae of a substance abuse treatment physician or counselor for Board approval to supervise Applicant's continued substance abuse treatment.

- a. As a condition of approval, the physician or counselor shall agree to submit written quarterly reports to the Board concerning Applicant's treatment progress. The reports shall be filed with the Board not later than January 20, April 20, July 20, and October 20 of each year of Applicant's probation.
 - b. Applicant shall continue with aftercare treatment until discharged from treatment by the Board approved physician or counselor and until Applicant's discharge from treatment is approved by the Board.
- 9. Applicant shall file sworn quarterly reports with the Board attesting to his compliance with all the terms and conditions of this Consent Agreement, including attendance at meetings with his substance abuse counselor. The reports shall be filed not later than January 10, April 10, July 10, and October 10 of each year of Applicant's probation.
- 10. Applicant shall attend at least twelve (12) Board approved aftercare meetings (Alcoholics Anonymous or other similar organization) monthly. Applicant shall append to each quarterly report referred to in paragraph 7 above, statements signed or initiated by another person in attendance at the meetings attesting to the Applicant's attendance. The statement shall include the time, date, and location of the meetings attended.
- 11. Applicant shall make appearances before the Board or a Board committee annually or upon request. The Applicant shall be given reasonable notice of the date, time, and location for the appearances. Said appearances shall be subject to the waiver provisions of 653 IAC 12.6(6)(d).

12. A Board approved “practice monitor” shall monitor applicant’s medical practice at all office and hospital locations in Iowa. The practice monitor shall be a physician licensed and currently practicing medicine in Iowa. The practice monitor must be knowledgeable in Applicant’s area of practice. Most importantly, the practice monitor must function as the eyes of the Board and must not feel an allegiance to Applicant that would prevent a fair and impartial review of Applicant’s practice to insure that Applicant is practicing within the standard of care and in compliance with this Order. The practice monitor shall have no financial interest in Applicant’s practice of medicine. The practice monitor may be selected by Applicant but must be approved by the Board. Prior to the Board’s approval, the practice monitor shall submit to the Board a current curriculum vitae and letter to the Board. In the letter, the practice monitor shall state that the practice monitor has read this Order, and understands and agrees to perform the obligations as set forth herein.

- a. The practice monitor shall, at least once each month, visit all the offices at which the Applicant practices medicine, and review at least five charts maintained by Applicant. The practice monitor shall make reasonable efforts to insure that Applicant has no notice of which charts will be selected for review. The practice monitor is authorized to review such other medical records maintained by Applicant, as the practice monitor deems appropriate.
- b. The practice monitor shall, at least once each month, review at least five hospital charts of patients whom Applicant has admitted to

hospitals. If Applicant has admitted fewer than five patients to the hospital in the previous month, the practice monitor shall review all the patients so admitted, if any. The practice monitor shall make reasonable efforts to insure that Applicant has no notice of which charts will be selected for review. The practice monitor is authorized to review such other hospital charts as the practice monitor deems appropriate.

- c. The practice monitor shall submit quarterly written reports to the Board.
- d. The practice monitor's reports shall include the following:
 - i. A description of each of the cases reviewed;
 - ii. A description of the condition of Applicant's office facilities;
 - iii. The practice monitor's opinion whether Applicant is practicing medicine in accordance with generally accepted standards of medical practice; and
 - iv. Any indication that Applicant has violated a term of this Order

13. If at any time the practice monitor believes Applicant is not in compliance with this Order, is unable to practice with reasonable skill and safety or has committed unprofessional conduct, the practice monitor shall immediately inform the Board.

14. Applicant shall nominate the practice monitor within 30 days of the date of this Order. Applicant shall insure that all reports by the practice monitor are complete and are submitted to the Board on time. If, in the Board's judgment,

the practice monitor fails to perform the functions contemplated by this Order, the Board may require that a new practice monitor assume the responsibilities specified herein. If Applicant becomes aware that the practice monitor has ceased to perform the functions contemplated by this Order, Applicant shall nominate a new monitor within 30 days.

15. In the event Applicant leaves Iowa to reside or practice outside the state, Applicant shall notify the Board, in writing, of the dates of departure and return. Periods of residence or practice outside the State of Iowa will not apply to the duration of the Consent Agreement. Evidence that Applicant has failed to abide by the terms of paragraphs 3, 4, or 10 of this Consent Agreement while outside of the state shall constitute a violation thereof.
16. Applicant shall obey all federal, state, and local laws, and all rules governing the practice of medicine in Iowa.
17. In the event Applicant violates or fails to comply with any of their terms and provisions of this Consent Agreement the Board may initiate action to revoke or suspend Applicant's license or impose other discipline as authorized in Iowa Code section 148.6 and 653 IAC 12.2.
18. This Consent Agreement is subject to the approval of the Board. If the Board fails to approve this Consent Agreement, it shall be of no force or effect to either party.
19. Applicant voluntarily submits this Consent Agreement to the Board for consideration.

20. By entering into this Consent Agreement, Applicant voluntarily waives any rights to a contested case hearing in this matter and waives any objections to the terms of this Consent Agreement.
21. Upon full compliance with the terms of this Consent Agreement, Applicant's Iowa medical license will have full privileges free and clear of the terms of probation established in this Order.
22. The Board's approval of this Consent Agreement shall constitute a **FINAL ORDER** of the Board.

Randall Lee Bynum MD
Randall Lee Bynum, M.D., Applicant

Subscribed to before me on JUNE 2, 2000.

Norman Bodin
Notary Public State of COLORADO
MY COMMISSION EXPIRES 1/31/2001

Consent Agreement approved by the Board on 6-1, 2000.

Dale R. Holdiman MD
Dale R. Holdiman, M.D., Chairperson
Iowa Board of Medical Examiners
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Des Moines, IA 50309-4686
Phone 515-281-6492